

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

11 CV 2144

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Monika Mehta, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually

DEFENDANTS

Megabus Northeast, LLC and John Tomaszewski

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Law Firm of Jonathan C. Reiter, Esq. (212) 736-0979
350 Fifth Avenue, Suite 2811, New York, NY 10118

ATTORNEYS (IF KNOWN)

Gallo Vitucci & Klar (212) 683-7100
90 Broad Street, 3rd Floor, New York, NY 10004

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

The causes of action asserted in this action for personal injuries sound in negligence.

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date

& Case No.

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
PERSONAL INJURY <input type="checkbox"/> 310 AIRPLANE <input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY <input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER <input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY <input type="checkbox"/> 340 MARINE <input type="checkbox"/> 345 MARINE PRODUCT LIABILITY <input checked="" type="checkbox"/> 350 MOTOR VEHICLE <input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY <input type="checkbox"/> 360 OTHER PERSONAL INJURY		PERSONAL INJURY <input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE <input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY <input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY PERSONAL PROPERTY <input type="checkbox"/> 370 OTHER FRAUD <input type="checkbox"/> 371 TRUTH IN LENDING <input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE <input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY		<input type="checkbox"/> 610 AGRICULTURE <input type="checkbox"/> 620 OTHER FOOD & DRUG <input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY <input type="checkbox"/> 630 LIQUOR LAWS <input type="checkbox"/> 640 RR & TRUCK <input type="checkbox"/> 650 AIRLINE REGS <input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH <input type="checkbox"/> 690 OTHER LABOR <input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT <input type="checkbox"/> 720 LABOR/MGMT RELATIONS <input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT <input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 790 OTHER LABOR <input type="checkbox"/> 791 EMPL RET INC SECURITY ACT		<input type="checkbox"/> 422 APPEAL <input type="checkbox"/> 423 WITHDRAWAL PROPERTY RIGHTS <input type="checkbox"/> 820 COPYRIGHTS <input type="checkbox"/> 830 PATENT <input type="checkbox"/> 840 TRADEMARK SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 BLACK LUNG (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID TITLE XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-THIRD PARTY		<input type="checkbox"/> 400 STATE REAPPORTIONMENT <input type="checkbox"/> 410 ANTITRUST <input type="checkbox"/> 430 BANKS & BANKING <input type="checkbox"/> 450 COMMERCE <input type="checkbox"/> 460 DEPORTATION <input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) <input type="checkbox"/> 480 CONSUMER CREDIT <input type="checkbox"/> 490 CABLE/SATELLITE TV <input type="checkbox"/> 810 SELECTIVE SERVICE <input type="checkbox"/> 850 SECURITIES/COMMODITIES/EXCHANGE <input type="checkbox"/> 875 CUSTOMER CHALLENGE <input type="checkbox"/> 12 USC 3410 <input type="checkbox"/> 890 OTHER STATUTORY ACTIONS <input type="checkbox"/> 891 AGRICULTURAL ACTS <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS <input type="checkbox"/> 894 ENERGY ALLOCATION ACT <input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE <input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES	
REAL PROPERTY <input type="checkbox"/> 210 LAND CONDEMNATION <input type="checkbox"/> 220 FORECLOSURE <input type="checkbox"/> 230 RENT LEASE & EJECTMENT <input type="checkbox"/> 240 TORTS TO LAND <input type="checkbox"/> 245 TORT PRODUCT LIABILITY <input type="checkbox"/> 290 ALL OTHER REAL PROPERTY		ACTIONS UNDER STATUTES CIVIL RIGHTS <input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 EMPLOYMENT <input type="checkbox"/> 443 HOUSING/ACCOMMODATIONS <input type="checkbox"/> 444 WELFARE <input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT <input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER <input type="checkbox"/> 440 OTHER CIVIL RIGHTS		PRISONER PETITIONS <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE <input type="checkbox"/> 530 HABEAS CORPUS <input type="checkbox"/> 535 DEATH PENALTY <input type="checkbox"/> 540 MANDAMUS & OTHER <input type="checkbox"/> 550 CIVIL RIGHTS <input type="checkbox"/> 555 PRISON CONDITION		IMMIGRATION <input type="checkbox"/> 462 NATURALIZATION APPLICATION <input type="checkbox"/> 463 HABEAS CORPUS - ALIEN DETAINEE <input type="checkbox"/> 465 OTHER IMMIGRATION ACTIONS			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

 IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input checked="" type="checkbox"/> 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Monika Mehta
 612 Ganpat Apts.
 Plot 6 Sector 9
 Dwarka New Delhi 110075

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Megabus Northeast, L.L.C.
 349 First Street
 Elizabeth, NJ 07206

John Tomaszewski
 24 Groveville Road
 Yardville, NJ 08620

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this is a PRISONER PETITION.)

DATE 3/29/11

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO
☒ YES (DATE ADMITTED Mo. _____ Yr. 1990)
 Attorney Bar Code # 0237

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CV 2144

MONIKA MEHTA, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually,

CIVIL ACTION NO.

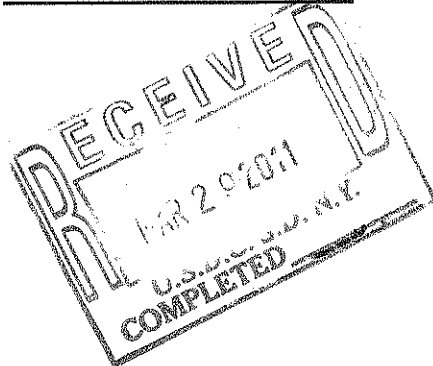
Plaintiff,

NOTICE OF REMOVAL

-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.



PLEASE TAKE NOTICE that Defendant MEGABUS NORTHEAST, L.L.C. hereby removes the civil action entitled *Monika Mehta, as Administratrix of the Estate of Ashwani Mehta, deceased, and individually, v. Megabus Northeast, L.L.C. and John Tomaszewski*, Index Number 150037/2011, from the Supreme Court of the State of New York, County of New York, where it is now pending to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York
March 28, 2011

Respectfully submitted,

GALLO VITUCCL& KLAR

By:

HOWARD P. KLAR, ESQ. (0237)

Counsel for Defendant

Megabus Northeast, L.L.C.

90 Broad Street, 3rd Floor

New York, New York 10004

(212)683-7100

File: CHC-2011-7

TO: LAW FIRM OF JONATHAN C. REITER, ESQ.
Attorneys for Plaintiff
350 Fifth Avenue, Suite 2811
New York, NY 10118
(212) 736-0979

McMAHON, MARTINE & GALLAGHER, LLP
Attorneys for Defendant John Tomaszewski
55 Washington Street
Brooklyn, NY 11201
(212) 747-1230

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIKA MEHTA, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually,

Plaintiff,

-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.

CIVIL ACTION NO.

**PETITION
FOR REMOVAL**

TO: JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of Howard P. Klar, respectfully shows as follows:

1. That the undersigned is counsel for Defendant Megabus Northeast, L.L.C. and hereby removes the civil action entitled *Monika Mehta, as Administratrix of the Estate of Ashwani Mehta, deceased, and individually, v. Megabus Northeast, LLC and John Tomaszewski*, Index Number 150037/2011, which is currently pending in the Supreme Court of the State of New York, County of New York to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

2. That service of the Summons and Complaint was made upon Defendant Megabus Northeast, L.L.C.

3. That the causes of action as set forth in the Complaint seek monetary damages for personal injuries in an amount exceeding seventy five thousand dollars (\$75,000).

4. That in the Complaint, Plaintiff seeks to recover damages for the personal injuries allegedly sustained by the decedent, Ashwani Mehta, resulting from the alleged negligence of the Defendants in their ownership, operation, management, and control of a certain bus vehicle that was involved in an accident on September 11, 2010 in Syracuse, New York, at which time and location Mr. Mehta was a passenger.

5. That Plaintiff is a natural person residing in the City of New Delhi, Country of India.

6. That Defendant Megabus Northeast, L.L.C. is a Delaware corporation with one of its principal places of business located in Elizabeth, New Jersey.

7. That Defendant John Tomaszewski is a natural person residing at 24 Groveville Road in the City of Yardville, State of New Jersey.

8. That this action may be removed to this Court by Defendant Megabus Northeast, L.L.C. pursuant to 28 U.S.C. §§ 1332 and 1441 since Plaintiff's action is a civil action, wherein the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and there exists complete diversity of citizenship amongst the Defendants and Plaintiff.

9. Defendant Megabus Northeast, L.L.C. attaches hereto copies of all process and pleadings thus far served herein; *to wit*, the Summons and Complaint.

WHEREFORE, Defendant Megabus Northeast, L.L.C. prays that the action now pending against them in the Supreme Court of the State of New York, County of New York be removed therefrom to this Court.

Dated: New York, New York
March 28, 2011

Respectfully submitted,

GALLO VITUCCI & KLAR

By: 

HOWARD P. KLAR, ESQ. (0237)

Counsel for Defendant

Megabus Northeast, L.L.C.

90 Broad Street, 3rd Floor

New York, New York 10004

(212)683-7100

File: CHC-2011-7

TO: LAW FIRM OF JONATHAN C. REITER, ESQ.
Attorneys for Plaintiff
350 Fifth Avenue, Suite 2811
New York, NY 10118
(212) 736-0979

McMAHON, MARTINE & GALLAGHER, LLP
Attorneys for Defendant John Tomaszewski
55 Washington Street
Brooklyn, NY 11201
(212) 747-1230

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIKA MEHTA, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually,

CIVIL ACTION NO.

Plaintiff,

AFFIDAVIT

-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

HOWARD P. KLAR, being duly sworn, deposes and says:

1. I am a member of the law firm of GALLO VITUCCI & KLAR, L.L.P., attorneys
for Defendant MEGABUS NORTHEAST, L.L.C.

2. Defendant MEGABUS NORTHEAST, L.L.C. petitions this Court for removal
and leave will be sought to amend the caption in this action to read as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIKA MEHTA, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually,

Plaintiff,

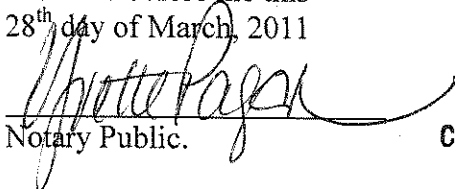
-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

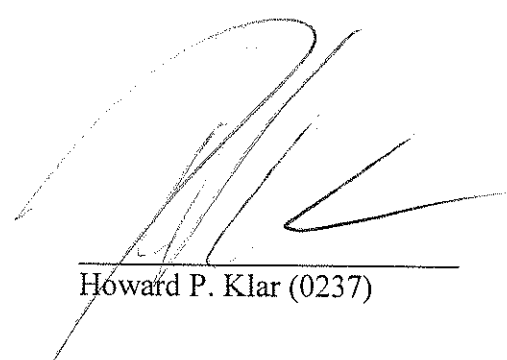
Defendants.

Sworn to before me this
28th day of March, 2011

Notary Public.



Yvette Pagan
Commissioner of Deeds, City of New York
No. 1-6962
Cert. Filed in New York County
Comm Expires July 1, 2011


Howard P. Klar (0237)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIKA MEHTA, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually,

CIVIL ACTION NO.

Plaintiff,

VERIFICATION

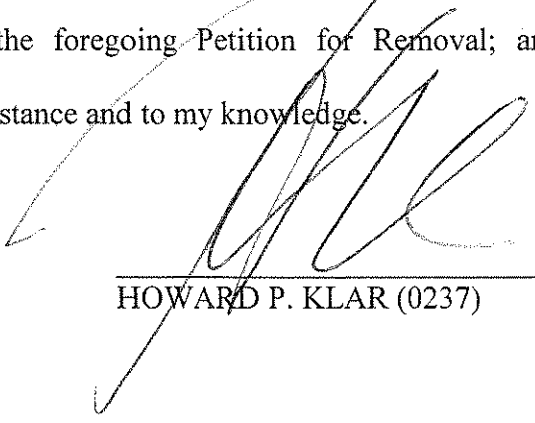
-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.

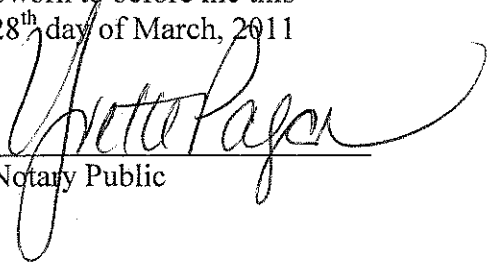
HOWARD P. KLAR, being duly sworn according to law, deposes and says:

That he is counsel for Defendant MEGABUS NORTHEAST, L.L.C., the within named Defendant/Petitioner; that he has read the foregoing Petition for Removal; and that the statements contained therein are true in substance and to my knowledge.



HOWARD P. KLAR (0237)

Sworn to before me this
28th day of March, 2011



Notary Public

Yvette Pagan
Commissioner of Deeds, City of New York
No. 1-6962
Cert. Filed in New York County
Comm Expires July 1, 2011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
MONIKA MEHTA, as Administratrix of the Estate of
ASHWANI MEHTA, deceased, and individually,

Plaintiff,

AC
-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.
-----X

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service, or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York and in case of your failure to appear or answer, judgment will be taken by default for the relief demanded in the complaint.

Plaintiff designates New York County as the place of trial. The basis of venue is defendant Megabus Northeast, LLC's place of business, located at the Port Authority Bus Terminal, in the City, County and State of New York

Defendant's address(es):

MEGABUS NORTHEAST, L.L.C.
160 South Route 17 N
Paramus, NJ 07652
c/o Secretary of State

JOHN TOMASZEWSKI
24 Groveville Road
Yardville, NJ

LAW FIRM OF JONATHAN C. REITER

By:



Jonathan C. Reiter, Esq.
Attorneys for Plaintiff
350 Fifth Avenue, Suite 2811
New York, New York 10118
(212) 736-0979

Index No.: 150037/2011

Filed: 2/23/2011

SUMMONS

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

.....X
MONIKA MEHTA, as Administratrix of the Estate of
ASHWANI MEHTA, deceased, and individually,

Index No. 150037/2011

Plaintiff,
against

VERIFIED
COMPLAINT

MEGABUS NORTHEAST, L.L.C., and
JOHN TOMASZEWSKI,

Defendants.
.....X

Plaintiff, by her attorneys, the LAW FIRM OF JONATHAN C. REITER,
complaining of the defendants respectfully alleges as follows:

1. ASHWANI MEHTA died on September 11, 2010.
2. Plaintiff, MONIKA MEHTA was granted letters of administration of the Estate of ASHWANI MEHTA by the Register of Wills of New Castle County, State of Delaware, on February 14, 2011.
3. Plaintiff MONIKA MEHTA is the widow of the decedent, ASHWANI MEHTA.
4. Decedent, ASHWANI MEHTA left surviving his wife, the plaintiff, MONIKA MEHTA, his infant daughters, Snigda Mehta (born 2/9/05), and Saumya Mehta (born 1/13/08) and his dependent mother Chand Mehta, all of whom are claimants herein.
5. Upon information and belief, the defendant, MEGABUS NORTHEAST, L.L.C. (hereinafter "MEGABUS") is a foreign corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 160 S. Route 17 North, Paramus, New Jersey 07652.

6. Upon information and belief, at all times hereinafter mentioned and at the time of the occurrences herein, the defendant MEGABUS was authorized to do business in the State of New York with its principal New York place of business at Port Authority Bus Terminal in the City, County and State of New York.

7. Upon information and belief, COACH LEASING, INC., (hereinafter "COACH") was a foreign corporation organized and existing under the laws of the State of Illinois, having its principal place of business at 160 S. Route 17 North, Paramus, New Jersey 07652.

8. At all times hereinafter mentioned and at the time of the occurrences herein, the defendant, MEGABUS, was a common carrier in the business of operating bus lines.

9. At all times hereinafter mentioned and at the time of the occurrences herein, COACH was the registered owner of a certain double-decker passenger motor coach bearing Illinois license plate P713411 (hereinafter the "subject bus").

10. Upon information and belief, COACH was regularly engaged in the business of owning and leasing buses.

11. Upon information and belief, heretofore and at the time of the occurrence herein, the defendant MEGABUS had leased the subject bus from defendant COACH for a period in excess of 30 days.

12. Upon information and belief, the defendant MEGABUS was the owner of the subject bus as defined by New York Vehicle and Traffic Law § 388.

13. Upon information and belief, on September 11, 2010 at approximately 2:27 A.M., the defendant, JOHN TOMASZEWSKI was operating the subject bus in the course and scope of his employment by the defendant, MEGABUS.

14. Upon information and belief, on September 11, 2010, at approximately 2:27 A.M., the defendant, MEGABUS, by and through its agents, servants and employees, including JOHN TOMASZEWSKI, was operating the subject bus.

15. Upon information and belief, on September 11, 2010, the defendant MEGABUS, by and through its agents, servants and employees, including JOHN TOMASZEWSKI, was operating the subject bus en route from Philadelphia, Pennsylvania to Toronto, Ontario, Canada.

16. Upon information and belief, on September 11, 2010 the defendant, JOHN TOMASZEWSKI was operating the subject bus with the express and implied knowledge, permission and consent of the defendant MEGABUS.

17. On September 11, 2010, the decedent, ASHWANI MEHTA was a fare-paying passenger aboard the subject bus.

18. On September 11, 2010, at approximately 2:27 A.M., the subject bus was being operated on the Onondaga Lake Parkway in the Town of Salina, County of Onondaga, State of New York, when the subject bus struck a railroad bridge that passed over the Parkway (hereinafter "the occurrence").

19. As a result of the occurrence, ASHWANI MEHTA suffered personal injuries and death.

AS AND FOR A FIRST CAUSE OF ACTION FOR WRONGFUL DEATH

20. Plaintiff repeats and reiterates all the previous allegations of the complaint with the same force and effect as if fully set forth herein at length.

21. That the defendants, MEGABUS and JOHN TOMASZEWSKI were negligent in the ownership and operation of the subject bus, in causing and permitting the subject

bus to strike and collide with a railroad bridge; in negligently failing to heed signs warning of a low bridge with insufficient clearance to permit the subject bus to pass beneath it; in negligently departing from the usual route for the bus and instead negligently entering upon the Onondaga Lake Parkway; in failing to see what was there to be seen; in failing to keep the bus under proper and reasonable control; in failing to heed signs and warnings; in travelling at an unsafe speed; in violating statutes, rules and ordinances made and provided; in being liable under the doctrine of *respondeat superior* and New York Vehicle and Traffic Law § 388, and in otherwise being negligent and careless in the premises.

22. By reason of the foregoing, the decedent was proximately caused to and did die as a result of injuries sustained in the occurrence as aforesaid.

23. By reason of the wrongful death of plaintiff's decedent, ASHWANI MEHTA, decedent's heirs, distributees and dependent relatives, including decedent's spouse, MONIKA MEHTA, decedent's infant children, SNIGDA MEHTA and SAUMYA MEHTA, and decedent's mother, CHAND MEHTA, suffered pecuniary losses, loss of support, loss of nurture, care and guidance and other losses and damages.

24. By reason of the foregoing, plaintiff demands compensatory damages for the wrongful death of ASHWANI MEHTA under New York E.P.T.L. § 5-4.3 in an amount that exceeds the jurisdiction of all lower courts.

AS AND FOR A SECOND CAUSE OF ACTION FOR CONSCIOUS PAIN AND SUFFERING

25. Plaintiff repeats and reiterates all the previous allegations of the complaint with the same force and effect as if fully set forth herein at length.

26. As a result of the negligence of the defendants, the decedent, ASHWANI MEHTA was proximately caused to sustain serious personal injuries, pain, suffering, mental anguish and loss of enjoyment of life.

27. That as a result of the occurrence, plaintiff's decedent was proximately caused to sustain a serious injury as defined in Section 5102(d) of the Insurance Law of the State of New York and/or economic loss greater than basic economic loss, as defined by Section 5102(a) of the Insurance Law of the State of New York.

28. That by reason of the foregoing, plaintiff demands compensatory damages in an amount that exceeds the jurisdiction of all lower courts.

AS AND FOR A THIRD CAUSE OF ACTION FOR LOSS OF SERVICES,
SOCIETY AND CONSORTIUM

29. That heretofore and at the time of the occurrence, the plaintiff, MONIKA MEHTA was the wife of decedent ASHWANI MEHTA, and they cohabited together as husband and wife.

30. That as a result of the occurrence, the plaintiff was proximately caused to sustain loss of services, society and consortium of her husband.

31. That by reason of the foregoing, plaintiff demands compensatory damages in an amount that exceeds the jurisdiction of all lower courts.

32. That each of the causes of action herein alleged falls within one or more of the exceptions set forth in CPLR § 1602.

WHEREFORE, plaintiff demands judgment against the defendants on each of the causes of action herein alleged in an amount that exceeds the jurisdiction of all lower courts, together with interest, costs and disbursements.

LAW FIRM OF JONATHAN C. REITER

By 

JONATHAN C. REITER, ESQ.

350 Fifth Avenue, Suite 2811

New York, New York 10118

Tel: 212-736-0979

Fax: 212-268-5297

jcreiter@jcreiterlaw.com

Jonathan C. Reiter
JONATHAN C. REITER, ESQ.

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

MONIKA MEHTA, as Administratrix of the Estate of
ASHWANI MEHTA, deceased, and individually,

Plaintiff,

-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

LAW FIRM OF JONATHAN C. REITER
Attorney for Plaintiff(s)
350 Fifth Avenue, Suite 2811
New York, New York 10118
(212) 736-0979

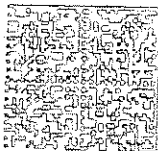
2011:311
246

2011:311
246

22

US POSTAGE
\$06.320
03/14/2011
12231

Necker



DEPARTMENT OF STATE
UNIFORM COMMERCIAL CODE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

Sender:

New York State Department of State
99 Washington Avenue
Albany, NY 12231

Receipt # 201103110346

PS Form 3800, 5/08

COMPLETE THIS SECTION ON DELIVERY

A. Signature: (If Addressee or Agent)

X Certified Mail

B. Received by: (Please Print Name)

Received

C. Date of Delivery

MAR 17 2011

D. Addressee's Address (If Different from Return Address)

CT, a Wolters Kluwer Business

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

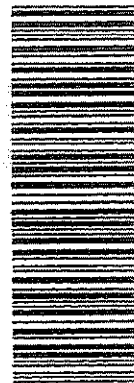
Delivery Address

City

State

ZIP + 4 Code

CERTIFIED MAIL



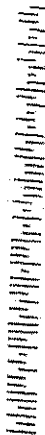
7196 9005 9793 1978 5911

RETURN RECEIPT REQUESTED

Article Addressed To:

MEGABUS NORTHEAST, LLC
C/O CT CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NY 10011

USA CERTIFIED MAIL Form 3800, 5/08



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIKA MEHTA, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually,

Plaintiff,

-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.

NOTICE OF REMOVAL AND PETITION FOR REMOVAL

GALLO VITUCCI & KLAR
Attorneys for Defendant(s)
90 Broad Street, 3rd Floor
New York, New York 10004
(212) 683-7100
Fax (212) 683-5555

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order
for

settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented

one of the judges

20

at

M..

Dated:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIKA MEHTA, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually,

Plaintiff,

-against-

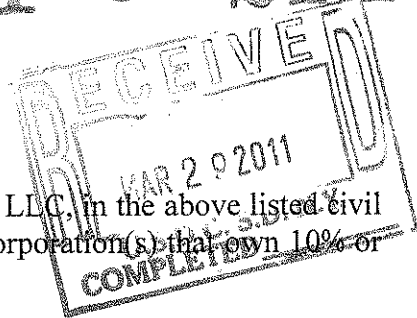
MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.

CIVIL ACTION NO.

RULE 7.1 STATEMENT

11 CV 2144



The nongovernmental corporate party, Megabus Northeast, LLC, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that own 10% or more of its stock:

Megabus Northeast, L.L.C., is a wholly owned subsidiary of Independent Bus Co., Inc., which is a wholly owned subsidiary of Coach USA, Inc., which is a wholly owned subsidiary of Coach USA Administration, Inc., which is a wholly owned subsidiary of SCUSI, Limited, which is a wholly owned subsidiary of SCOTO Limited, which is a wholly owned subsidiary of Stagecoach Aviation Europe Ltd, which is a wholly owned subsidiary of Stagecoach Transportation Holdings, plc, which is a wholly owned subsidiary of Stagecoach Group plc, which is publicly traded company on the London Stock Exchange. No publicly traded entity owns 10% or more of the stock of Stagecoach Group PLC.

Dated: New York, New York
March 28, 2011

HOWARD P. KLAR, ESQ. (0237)
Counsel for Defendant
Megabus Northeast, L.L.C.
GALLO VITUCCI & KLAR
90 Broad Street, 3rd Floor
New York, New York 10004

Civil Action No.:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIKA MEHTA, as Administratrix of the Estate of
Ashwani Mehta, deceased, and individually,

Plaintiff,

-against-

MEGABUS NORTHEAST, L.L.C. and
JOHN TOMASZEWSKI,

Defendants.

RULE 7.1 STATEMENT

GALLO VITUCCI & KLAR
Attorneys for Defendant(s)
90 Broad Street, 3rd Floor
New York, New York 10004
(212) 683-7100
Fax (212) 683-5555

PLEASE TAKE NOTICE:

☐ **NOTICE OF ENTRY**

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

20

☐ **NOTICE OF SETTLEMENT**

that an order of which the within is a true copy will be presented
for
settlement to the HON. one of the judges
of the within named court, at
on 20 at M.,

Dated:

AFFIDAVIT OF SERVICE


STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

The undersigned being duly sworn, deposes and says that she is not a party to this action, is over the age of 18 years and resides in the County of New York. That on the 29th day of March, 2011, she served the within **NOTICE OF REMOVAL, PETITION OF REMOVAL AND RULE 7.1 STATEMENT** upon:

LAW FIRM OF JONATHAN C. REITER, ESQ.
Attorneys for Plaintiff
350 Fifth Avenue, Suite 2811
New York, NY 10118

McMAHON, MARTINE & GALLAGHER, LLP
Attorneys for Defendant John Tomaszewski
55 Washington Street
Brooklyn, NY 11201

by depositing a true copy of same securely enclosed in a post paid wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


Yvette Pagan

Sworn to before me this
29th day of March, 2011


Notary Public

Jessica Roman
Commissioner of Deeds, City of New York
No. 3-7376 Filed NY County Exp 6/1/12